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CRIME PREVENTION AND CRIMINAL JUSTICE

Cuba: revised draft resolution

Measures for prevention of the smuggling of aliens

The General Assembly,

Recalling its resolution 48/102 of 20 December 1993 in which, inter alia, it condemns the practice of smuggling aliens and urges States to take appropriate steps to frustrate the objectives and activities of smugglers of aliens,

Recalling also Economic and Social Council resolutions 1994/14 of 25 July 1994 and 1995/10 of 24 July 1995,

Concerned at the increasing activities of criminals and criminal organizations that profit illicitly by smuggling human beings, preying on the dignity and lives of migrants and adding to the complexity of the phenomenon of increasing international migration,

Aware that such activities endanger the lives of those individuals and impose severe costs on the international community, particularly upon certain States that have been called upon to rescue and to provide medical care, food, housing and transportation for those individuals,

Recognizing that international criminal groups often convince individuals to migrate illegally by various means for enormous profits and use the proceeds from smuggling human beings to finance other criminal activities,

Noting that smugglers, particularly in the State of destination of alien smuggling, frequently force migrants into forms of debt, bondage or servitude, often involving criminal activities, in order to pay for their passage,

Recognizing that socio-economic factors influence the problem of the smuggling of aliens and also contribute to the complexity of current international migration,

Reaffirming respect for the sovereignty and territorial integrity of all States, including their right to control their own borders,

Recalling the undertaking of States parties to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, signed at Geneva on 7 September 1956, 1/ to take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the practice of debt bondage,

Convinced of the need to provide humane treatment and protect the full human rights of migrants,

Concerned that the smuggling of aliens undermines public confidence in policies and procedures for immigration and for the protection of refugees,

Taking into account the efforts of the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the International Civil Aviation Organization and the International Maritime Organization in responding to the requests from States for assistance in dealing with the smuggling of aliens,

Emphasizing the importance of international cooperation and, in particular, the need for States to cooperate urgently at the bilateral and multilateral levels, as appropriate, to thwart these activities,

1. Condemns the practice of smuggling aliens in violation of international and national law or other agreements between States and without regard for the safety, well-being and human rights of the migrants;

2. Commends those States which have cooperated to combat alien smuggling and to respond to specific incidents in which smuggled aliens have needed to be dealt with according to international standards and the domestic laws and procedures of the States concerned and returned safely to appropriate destinations;

3. Urges States to take appropriate steps to frustrate the objectives and activities of smugglers of aliens and thus to protect would-be migrants from exploitation and loss of life, inter alia, by amending criminal laws, if necessary, to encompass the smuggling of aliens and by establishing or improving procedures to permit the ready discovery of false travel documents supplied by smugglers;

4. Requests States to cooperate in order to prevent the illegal transport by smugglers of third-country nationals through their territory;

1/ United Nations, Treaty Series, vol. 266, No. 3822.

5. Also requests States to cooperate bilaterally and on a multilateral basis to prevent the use of fraudulent documents, continuing to improve the requirements for registration of vessels and to implement relevant international agreements;

6. Further requests States to cooperate in the interest of safety of life at sea, to increase their efforts to prevent the smuggling of aliens on ships, and to ensure, in accordance with their national legislation, that prompt and effective action is taken against the smuggling of aliens by sea;

7. Calls upon States to enhance bilateral and multilateral cooperation in the fight against criminal organizations responsible for the smuggling of aliens;

8. Also calls upon Member States and relevant specialized agencies and international organizations to take into account socio-economic factors and to cooperate at the bilateral and multilateral levels in addressing all aspects of the problem of smuggling of aliens;

9. Reaffirms the importance of existing international conventions in preventing the economic exploitation and loss of life that can result from alien smuggling, and calls upon all States to exchange information and to consider ratifying or acceding to those conventions if they have not done so and fully to implement and enforce such conventions;

10. Emphasizes that international efforts to prevent the smuggling of aliens should not inhibit legal migration or freedom of travel or undercut the protection provided by international law to refugees;

11. Reaffirms the need to observe fully international national law in dealing with the smuggling of aliens, including the provision of humane treatment and strict observance of all human rights of migrants;

12. Requests the Commission on Crime Prevention and Criminal Justice to consider giving attention to the question of the smuggling of aliens at its sixth session, to be held in 1997, in order to encourage international cooperation to address this problem within the framework of its mandate;

13. Requests the Secretary-General to transmit the text of the present resolution to all Member States and to relevant specialized agencies and intergovernmental organizations.